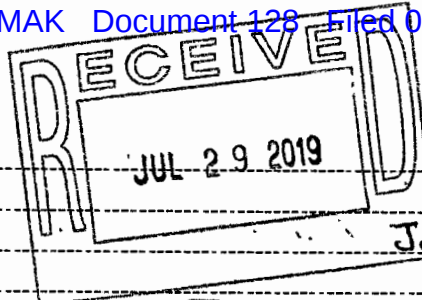


Charles Talbert
7901 State Road
Phila, Pa. 19136



July 22, 2019

United States District Court
Eastern District of Pennsylvania

Charles Talbert, Civil Action No. 18-1620-MAK

v. Plaintiffs Request For Restraining Order
Blanche Carney, et al., Pursuant To Rule 65 (b)

Pro se Plaintiff, hereby moves this court for an Order granting him a temporary restraining order against the Defendant Blanche Carney's correctional officers at the Curran Fromhold Correctional Facility (CFCF), specifically, officers J. Brown and D. Corley; both officers assigned to segregated housing unit A1 pod 3. In support of this urgent request, Plaintiff avers the following:

FILED

JUL 29 2019

Officer J. Brown

By KATE BARKMAN, Clerk
Dep. Clerk

On May 19, 2019, Plaintiff submitted a grievance against officer J. Brown for constantly calling Plaintiff derogatory names, and threatening to assault him. Brown, constantly calls Plaintiff a snitch in front of, and to, other inmates placing his life at risk of harm. In the grievance, it also explains how Brown has taken Plaintiff's dietary prescribed peanut butter and jelly. On May 30, 2019, Plaintiff again filed a grievance against Brown for taking his dietary peanut butter and jelly. On June 4, 2019, Plaintiff filed another grievance against Brown for him threatening to stick his finger into Plaintiff's rectum. Brown continues this oppressive, threatening, and harassing conduct without any reprimand from his superiors.

Officer D. Corley

On April 22, 2019, Plaintiff filed a grievance against officer D. Corley for him constantly inciting other inmates to oppress and threaten Plaintiff by calling Plaintiff a snitch and giving the inmates extra food as payment to oppress. On April 26, 2019, the Plaintiff filed two more grievances against Corley for him giving other inmates Plaintiff's home address, and while escorting Plaintiff to his hearing, had threatened to assault Plaintiff.

while in full mechanical restraints. On July 22, 2019, Carley began to disrespect Plaintiff, and also threatened to stick his prison issued pepper spray bottle in Plaintiff's rectum.

Legal Analysis

"A temporary restraining order may be granted without written or oral notice to the adverse party or that party's attorney only if (1) it clearly appears from specific facts shown by affidavit... that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or that party's attorney can be heard in opposition..." Rule 65(b) "Temporary restraining orders have been issued without any notice when it was feasible." *Lummus Co. v. Commonwealth Oil Ref. Co., Inc.*, 297 F.2d 80, 83 (2d Cir 1961), cert. den. 362 U.S. 986 (1962); *Pennsylvania Bd. Co., v. Transport Workers Union*, 278 F.2d 693, 694 (3d Cir. 1960).

"Pursuant to 42 USC 15601 (13) and 15602 (1), the Prison Rape Elimination Act (PREA), recognizes that any form of sexual harassment and that prison facilities adopt a zero-tolerance approach to this form of abuse." See: *Farmer v. Brennan*, 511 U.S. 825 (1994); *Schwenk v. Hartford*, 204 F.3d 1187 (9th Cir. 2000); *Women Prisoners of District of Columbia Dept of Corr., v. District of Columbia*, 93 F.3d 910 (DC Cir. 1996).

Immediate And Irreparable Harm

As aforementioned, both officers J. Brown, and D. Carley, have not just threatened Plaintiff with violence, gave other inmates his home address, deprive him access to the law library and his required prescribed food diet, but they both have made pertinacious sexual remarks and gestures towards him. If a temporary restraining order is not issued against both J. Brown and D. Carley, then Plaintiff will continuously be deprived of peace and safety while on unit A1 pod 3.

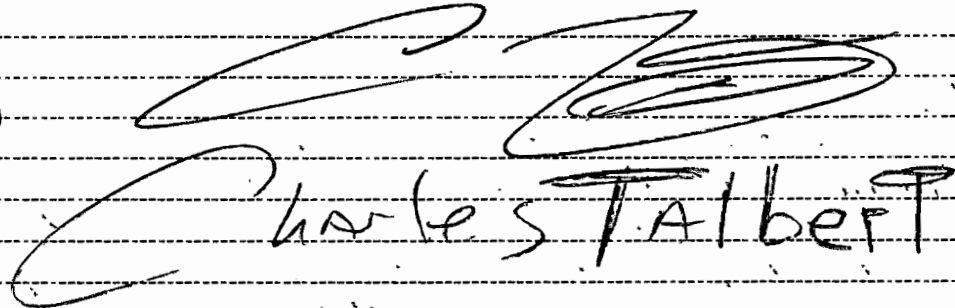
Conclusion

WHEREFORE, Plaintiff requests that a timely hearing be heard on the aforementioned requests, and that it Order Blanche Carney to do one of the other to avoid continued conflict:

- (A) to assign D. Corley and J. Brown to another housing unit while Plaintiff is on A1 pad 3; or
(B) to have Plaintiff as a "lock-in" on Protective Custody" under "house-alone, recreation-alone" status until the disposition of his disciplinary detention.

I hereby verify under penalty of perjury that the foregoing is true and correct.

7-22-19


Charles Talbert

Inhumane Conditions

Attachment 3 F.10.a

PHILADELPHIA DEPARTMENT OF PRISONS
INMATE GRIEVANCE FORM☐ ASD ☒ CFCF ☐ DC ☐ HOC ☐ PICC ☐ RCF

NAME: Charles Talbert

HOUSING UNIT: A13-1

PID: 810247

INTAKE NUMBER: 1900549

Check box only if grievance is regarding Medical Services ☐Description of Grievance, Incident or Problem
(Include date and time of incident)

While on Alpod 3, I have been targeted by officers from the 3pm-11pm shift (i.e. c/o Brown and c/o Wojtow). They constantly call me derogatory names and threaten to assault me. They call me a snitch for filing lawsuits against PDP staff and administration. They cause other inmates to have a dislike towards me due to this.

I'm also being deprived outdoor activities to maintain good health. I have cardio-related medical issues and a chronic lower-back problem that requires therapeutic exercises and fresh air and room to adequately move around. In the cell, I cannot do this. I have a supplemental "peanut butter and jelly" diet ordered by medical, however, both 7-3 and 3-11 shift officers except for c/o Hunsfield, gives me enough bread to make peanut butter and jelly sandwiches as ordered. I'm being deprived adequate time in the law library to pursue my pro se civil and criminal matters. I am being deprived access to legal intelligence law journals and the Alpod 3 legal phone. My legal mail is also being opened by Sgt. Lohesco on 3-11 shift.

Action Requested by Inmate:

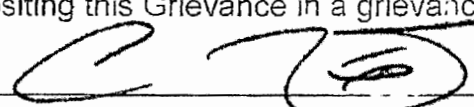
For a memo from the Commissioner for all of the above to cease immediately and to have all those liable to be sanctioned.

See: Continuation of Grievance - Page 2 YES ☐ No ☒

Describe how and when you tried to resolve this Grievance informally

Verbal request

Date that you are depositing this Grievance in a grievance box

given to social worker
Ms. Whitehurst on 5-20-19Signature of Grievant: 

Date

5-19-19

Deprivation of Medical Diet

Attachment 3.F.10.a

PHILADELPHIA DEPARTMENT OF PRISONS
INMATE GRIEVANCE FORM☐ ASD☒ CFCF☐ DC☐ HOC☐ PICC☐ RCF

NAME: Charles Talbert

PID: 810247

Check box only if grievance is regarding Medical Services ☐Description of Grievance, Incident or Problem
(Include date and time of incident)

On 3-11 shift, officers are opening up the brown bag full of peanut butter and jelly and only giving me - (1) peanut butter and (1) jelly packet.

Specifically, Brown and Wojcik are behind this deprivation of my medical prescribed supplemental diet.

This is in retaliation of my lawsuits against the Commissioner.

Action Requested by Inmate:

I want all of my peanut butter and jelly on 3-11 like I do 7-3. I want to sign for

See: Continuation of Grievance - Page 2 YES ☐ NO ☒ my own diet

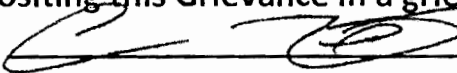
Describe how and when you tried to resolve this Grievance informally.

I informed Sgt. Dunlap

Date that you are depositing this Grievance in a grievance box:

Given to 7-3 supervisor

Signature of Grievant:



Date: 5-30-19

Sexual harassment / threats

Attachment 3 F 10 a

PHILADELPHIA DEPARTMENT OF PRISONS
INMATE GRIEVANCE FORM☐ ASD☒ CFCF☐ DC☐ HOC☐ PICC☐ RCF

NAME:

Charles Talbert

HOUSING UNIT:

A1P3

PID:

810247

INTAKE NUMBER:

1900549

Check box only if grievance is regarding Medical Services ☐Description of Grievance, Incident or Problem
(Include date and time of incident)

On May 30, 2019 on the 3pm-11pm shift, c/o Brown had repeatedly disrespected me and threatened to assault me if I didn't give him my jumpsuit and bend over during recreation. When I gave him my jumpsuit through the food slot, he said to bend over. When I did, he said that I'm lucky that he don't stick his finger in my ASS.

c/o Brown, prior to 5-30-19, has continuously insulted and disrespected me, harassed me, oppressed me, threatened me, and always leaves my cell in disarray when going in it and then stands there reading my confidential legal documents.

Action Requested by Inmate:

I want c/o Brown to be reassigned to another housing unit while in on A1-3

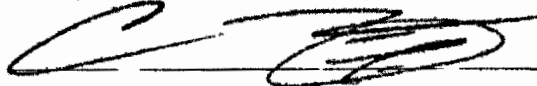
See: Continuation of Grievance - Page 2 YES ☐ No ☒

Describe how and when you tried to resolve this Grievance informally.

Called PREA, spoke to MNM + Corizon, tried to explain this to Sgt. Lebesco, however he turned a blind eye condoning c/o Brown's behavior

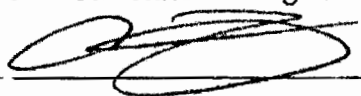
Date that you are depositing this Grievance in a grievance box: given to Mjr Miranda

Signature of Grievant:



Date:

6-4-19

PHILADELPHIA DEPARTMENT OF PRISONS INMATE GRIEVANCE FORM	
<input type="checkbox"/> ASD <input checked="" type="checkbox"/> XCFCF <input type="checkbox"/> DC <input type="checkbox"/> HOC <input type="checkbox"/> PICC <input type="checkbox"/> RCF	
NAME: <u>Charles Talbert</u>	HOUSING UNIT: <u>A13-1</u>
PID: <u>810247</u>	INTAKE NUMBER:
Check box only if grievance is regarding Medical Services <input type="checkbox"/>	
Description of Grievance, Incident or Problem (Include date and time of incident)	
<p>Officer D. Corley was overheard telling inmates from the top tier to call me a snitch and to threaten me today on April 22, 2019. Corley has a natural hate towards me for filing lawsuits against the PDP. He has also filed criminal charges against me in the past which got dismissed. Everyday Corley insults other inmates to oppress me by giving them extra food while in the hole. These inmates don't even know me. I fear for my safety because of Corley telling inmates to call me a snitch and to assault me when they see me.</p>	
Action Requested by Inmate:	
<p>I want to be a lock-in while on PC instead of being in the hole.</p>	
See: Continuation of Grievance – Page 2 YES <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Describe how and when you tried to resolve this Grievance informally.	
<p>I asked supervisors to keep me as a lock-in when I was on PC</p>	
Date that you are depositing this Grievance in a grievance box: <u>given to supervisor</u>	
Signature of Grievant: 	Date: <u>4-22-19</u>

D. Corley gave my address to inmate

PHILADELPHIA DEPARTMENT OF PRISONS
INMATE GRIEVANCE FORM☐ ASD ☒ CFCF ☐ DC ☐ HOC ☐ PICC ☐ RCF

NAME: Charles Talbert

HOUSING UNIT: A13-1

PID: 810247

INTAKE NUMBER: 119549

Check box only if grievance is regarding Medical Services ☐Description of Grievance, Incident or Problem
(Include date and time of incident)

Today is April 26, 2019

This morning, out of many, I was awoken by the inmate in 32. Even though 32 cell is next to two (2) shower stalls, officer D. Corley brings the inmate in 32 cell down to the bottom-tier showers. Today, he brought him to the shower stall next to my cell (#1). Every morning when D. Corley works, he causes 32 cell to verbally disrespect me by calling me a satch. Today 32 cell was in the shower adjacent from my cell and began banging on my wall. D. Corley gave 32 cell

Action Requested by Inmate: my street address.

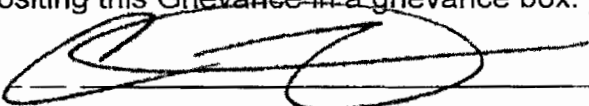
I want charges filed against D. Corley for giving another inmate my address and for harassment.

See: Continuation of Grievance - Page 2 YES ☐ No ☒

Describe how and when you tried to resolve this Grievance informally.

I asked Corley to stop 32 cell from coming down to harass me. Today 32 cell cut on my night light. He then screamed out my street address that Corley gave him.

Date that you are depositing this Grievance in a grievance box: given to Cpt. Harner

Signature of Grievant: 

Date: 4-26-19

D. Corley - Threatened to Assault Me

Attachment 3.F.10.a

**PHILADELPHIA DEPARTMENT OF PRISONS
INMATE GRIEVANCE FORM**

☐ ASD ☒ CFCF ☐ DC ☐ HOC ☐ PICC ☐ RCF

NAME: Charles Talbert

HOUSING UNIT: A13-1

PID: 810247

INTAKE NUMBER: 1119549

Check box only if grievance is regarding Medical Services ☐

**Description of Grievance, Incident or Problem
(Include date and time of incident)**

Today on April 26, 2019, I WAS CALLED for my disciplinary hearing. When handcuffed behind my back, I asked Corley why he put 32 cell inmate next to my cell in the shower knowing that 32 cell inmate, when he comes out for recreation, harasses me by calling me a snitch. Today 32 cell turned on my night light from the shower stall next to mine waking me up. After asking Corley that, he walked me to the area right off of A1-5 unit towards unit management where no video surveillance monitors were at. In that area, he abruptly ceased my footing by holding me, and threatened to assault me off camera. C/O Oliver and Cpt. Harmer were present. So was Sgt. Molina.

Action Requested by Inmate:

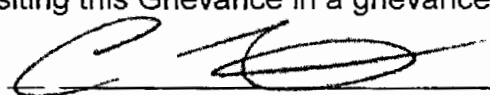
I want to press charges on Corley for terroristic threats

See: Continuation of Grievance - Page 2 YES ☒ No ☒ First grievance about 32 cell

Describe how and when you tried to resolve this Grievance informally.

I asked Corley not to have 32 cell come to the bottom tier. He then put him in the shower stall next to my cell.

Date that you are depositing this Grievance in a grievance box: given to supervisor

Signature of Grievant: 

Date: 4-26-19

PHILADELPHIA DEPARTMENT OF PRISONS
INMATE GRIEVANCE FORM

☐ ASD ☒ CFCF ☐ DC ☐ HOC ☐ PICC ☐ RCF

NAME: Charles Talbert

PID: 810247

Check box only if grievance is regarding Medical Services ☐

Description of Grievance, Incident or Problem
(Include date and time of incident)

On Monday July 22, 2019, approx 12:30 Afternoon, D. Corley was verbally disrespecting me about what happened Feb. 27, 2019 without provocation while walking pass my cell (32) with (30) cell. He also said that he was going to stick his pepper spray bottle up my ASS if I did not be quiet. Everyday D. Corley disrespects me and harasses me.

Action Requested by Inmate:

For Corley to be moved to another unit
I don't want Corley on top tier or any where near me
See: Continuation of Grievance - Page 2 YES ☐ NO ☒ or I will throw shit on him

Describe how and when you tried to resolve this Grievance informally.

I asked Cb Handsfield to get Sgt. Molina

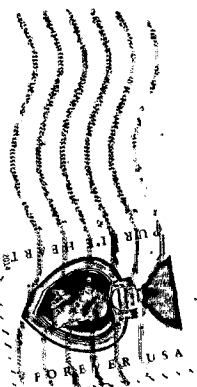
Date that you are depositing this Grievance in a grievance box: Given to Sgt. Molina

Signature of Grievant: [Signature]

Date: 7-22-19

C. T. Albert
Philadelphia Department of Prisons
Philadelphia, PA 19136
PPN 810247

PHILADELPHIA, PA 19136
25 MAR 2019 PM 7:1



Hon. Judge Mark A. Heasney
U.S. Courthouse
Room 6613
601 Market Street
Philadelphia PA 19106